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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,124	07/07/2004	Hirota Uzawa	TIP 026	6055

7590 01/04/2006

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EXAMINER

HENRY, MICHAEL C

ART UNIT	PAPER NUMBER
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1623

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,124

Applicant(s)

UZAWA ET AL.

Examiner

Michael C. Henry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-8 are pending in application

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

This application is a 371 of PCT/JP03/02108 filed 02/26/2003

Information Disclosure Statement

The information disclosure statement filed complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file and the information referred to therein has been considered as to the merits.

The following office action is a responsive to the Amendment filed, 08/31/05.

The amendment filed 08/31/05 affects the application, 10/501,124 as follows:

The responsive to applicants' arguments is contained herein below.

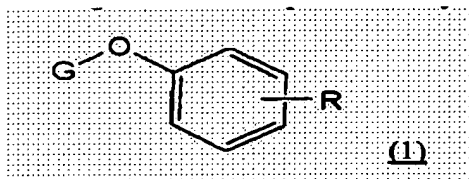
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikemato et al. (JP 2000204030A, Abstract Only).

In claim 1, applicant claims a nanoscale self-aggregate comprising O-glycoside type oligolipid having a structure represented by the general formula (1),



wherein G represents an oligosaccharide radical composed of two to thirty monosaccharides, and R represents a hydrocarbon group containing six to twenty-five carbon atoms. Claims 2-8 are drawn to said compound or composition wherein the hydrocarbon is in the meta position relative to the -O-G group, the oligosaccharide is a disaccharide and the oligosaccharide is lactose.

Ikemato et al. teach a subgenus that is fully embraced by the instant claim. Ikemato et al. disclose a (cardanol glycoside) subgenus wherein G represents is a mono- or oligo saccharide radical and R represents an unsaturated hydrocarbon group (see abstract). This implies that in Ikemato et al.'s glycoside, G can be an oligosaccharide radical such as lactose and R can be any unsaturated hydrocarbon group including groups with six to twenty-five carbon atoms. In addition, Ikemato et al. disclose that such O-glycoside type oligolipid can be used in cosmetic (see abstract). It should be noted that the examiner considers the self-aggregation of the O-glycoside type oligolipid an inherent physical property of the O-glycoside type oligolipid.

Ikemato et al. fail to recite a specific compound, but suggest a compound that read on the claimed invention (see abstract).

It would have been obvious to one having ordinary skill in the art, at the time the claimed invention was made to have prepared any compound suggested by the subgenus of Ikemato et al., in order to use them in cosmetics.

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One having ordinary skill in the art would have been motivated, to prepare any compound of a subgenus with a reasonable expectation that the compounds would have the utility of the subgenus as a whole. Therefore one skilled in the art would have been motivated to make specific compounds of the subgenus of Ikemato et al. in order to use them in cosmetics.

Response to Amendment

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

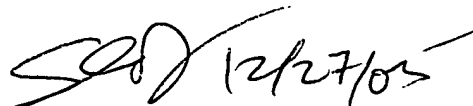
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Henry whose telephone number is 571-272-0652. The examiner can normally be reached on 8:30 am to 5:00 pm; Mon-Fri. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang, Ph.D can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.

Michael C. Henry

December 22, 2005.



Shaojia Anna Jiang, Ph.D.
Supervisory Patent Examiner
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